

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

BRIARWOOD INVESTMENTS, INC., a)
Florida corporation doing business as)
BRIARWOOD RANCH; and RON)
NEASE, an individual doing business as)
BRIARWOOD RANCH and)
BRIARWOOD RANCH SAFARI PARK,)

Respondents.)

AWA Docket No. 14-0197

14-0198

COMPLAINT



There is reason to believe that the respondents named herein have willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (Act or AWA), and the regulations issued pursuant thereto (9 C.F.R. § 1.1 et seq.) (the Regulations). Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS), issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Briarwood Investments, Inc. (Briarwood), is a Florida corporation (No. P02000121942) that is registered in Tennessee as a foreign corporation (Control No. 000597672). Briarwood's registered agent in Tennessee is respondent Ron Nease, 5617 Reinhardt Lane, Knoxville, Tennessee 37924. At all times mentioned herein, Briarwood was operating as an exhibitor, as that term is used in the Act and the Regulations and, in conjunction with respondent Ron Nease, was doing business as Briarwood Ranch. Respondent Briarwood held AWA license 63-C-0182 until April 19, 2012, when that license was cancelled, and has held AWA license 63-C-0247 since July 10, 2012.

2. Ron Nease is an individual whose mailing address is 5617 Reinhardt Lane, Knoxville, Tennessee 37924. At all times mentioned herein, respondent was acting for or operating as an exhibitor, as that term is used in the Act and the Regulations, and did business as variously as

Briarwood Ranch and Briarwood Ranch Safari Park. Respondent Nease holds all offices of respondent Briarwood.

3. At all times mentioned herein, respondents operated a business at 255 Briarthicket Road, Bybee, Tennessee 37713, exhibiting wild and exotic animals to the public. Respondent Briarwood reported to APHIS that it held 162 animals in March 2010, 160 animals in March 2011, and 158 animals in March 2013. The gravity of the violations alleged herein is great. The complaint alleges that respondents repeatedly failed to give APHIS access for inspections, to handle animals carefully, and to provide animals with minimally-adequate veterinary care and husbandry as required by the Regulations.

ALLEGED VIOLATIONS

4. APHIS conducted, or attempted to conduct, inspections of respondents' facilities, records and animals on November 16, 2009; March 9, April 28, August 16, and September 14, 2010; January 5, March 22, June 29, October 27, and November 29, 2011; February 28 and August 27, 2012; May 20 and July 24, 2013; and January 22, February 24, March 31, and May 12, 2014. APHIS documented noncompliance with the Regulations on each of these occasions.

5. On or about the following dates, respondents willfully violated the Act and the Regulations, 7 U.S.C. § 2146(a), 9 C.F.R. § 2.126:

a. On March 9, 2010, and January 5, 2011, respondents failed to permit APHIS inspectors to conduct an inspection of their facilities, animals, and records, and failed to have a responsible person available to accompany APHIS inspectors on an inspection.

b. On August 27, 2012, respondents failed to make their records available for inspection by APHIS inspectors.

6. On or about April 28, 2010, and October 27, 2011, respondents willfully violated the

Regulations by failing to employ an attending veterinarian under formal arrangements that included a written program of veterinary care for the provision of care to all animals in respondents' custody. 9 C.F.R. § 2.40(a)(1).

7. On or about the following dates, respondents willfully violated the Regulations (9 C.F.R. § 2.40), by failing to provide adequate veterinary care to animals, and/or failing to establish and maintain programs of veterinary care that included the use of appropriate methods to prevent and treat disease and injury and daily observation:

- a. November 16, 2009. Respondents failed to observe and to obtain adequate veterinary care for two goats and an alpaca/llama with severely overgrown hooves.
- b. November 16, 2009. Respondents failed to observe and to obtain adequate veterinary care for a fallow deer with a skin lesion on its head, and the APHIS inspector observed blood on the deer's face from the untreated, draining lesion.
- c. November 16, 2009. Respondents failed to observe and to obtain adequate veterinary care for a four-horned sheep that was panting and that exhibited a thick mucoid discharge from its nares.
- d. November 16, 2009. Respondents failed to obtain adequate veterinary care for (i) two puppies with hair loss and reddened skin, (ii) a blackbuck that was limping on its left front leg, and (iii) thin elk with poor hair coats.
- e. April 28, 2010. Respondents failed to observe and to obtain adequate veterinary care for three goats with severely overgrown hooves
- f. April 28, 2010. Respondents failed to obtain adequate veterinary care for a four-horned sheep that was previously identified as panting and exhibiting a thick mucoid discharge from its nares.

g. April 28, 2010. Respondents failed to have an attending veterinarian vaccinate two dogs and a savannah cat, test the dogs and cat for heartworm and feline leukemia, respectively, and perform a herd fecal check for internal parasites.

h. August 16, 2010. Respondents failed to observe and to obtain adequate veterinary care for a female American bison that was thin (with visible ribs and spinous processes and a lack of muscle tone), appeared to be eating dirt, and had a thick discharge in the corner of her eyes.

i. August 16, 2010. Respondents failed to observe and to obtain adequate veterinary care for two Great Pyrenees dogs (Jackson and JJ), both of which were severely matted, and one of the dogs (JJ) had swelling, hair loss and redness between and around the digits of his right rear paw.

j. August 16, 2010. Respondents failed to obtain adequate veterinary care for a Barbary sheep with a large area of hair loss on the animals neck, chest and leg, and an elk with a round opening in its skin with visible tissue swelling.

k. August 16, 2010. Respondents failed to observe an animal that was only discovered during inspection when the animal's skeleton was found inside respondents' facility.

l. August 16, 2010. Respondents failed to observe and to obtain adequate veterinary care for a fallow deer with a 2 to 3-inch hairless lump on the animal's left flank.

m. September 14, 2010. Respondents maintained and administered expired drugs to animals.

n. September 14, 2010. Respondents failed to observe and to obtain adequate veterinary care for an oryx that walked with a limp and was observed to be non-weight

bearing on its right front leg.

o. March 22, 2011. Respondents failed to have an attending veterinarian vaccinate two dogs and a cat.

p. March 22, 2011. Respondents failed to obtain adequate veterinary care for a muntjac with hair loss on its right side.

q. November 29, 2011. Respondents failed to obtain adequate veterinary care for a young male sika deer whose leg was swollen and non-weight bearing, and appeared to the APHIS inspector to be broken.

r. February 28, 2012. Respondents failed to observe and to obtain adequate veterinary care for an alpaca (Danny) with severely overgrown hooves.

s. May 20, 2013. Respondents failed to obtain adequate veterinary care for a nilgai that was covered with flies.

t. May 20, 2013. Respondents failed to obtain adequate veterinary care for a Barbary sheep that was limping, and had been in the same condition for several months without having been seen by a veterinarian.

u. July 24, 2013. Respondents failed to observe and to obtain adequate veterinary care for two Jacob sheep that were in need of shearing.

v. January 22, 2014. Respondents failed to obtain adequate veterinary care for a llama that was skittish and appeared to have an abnormal area on its right eye, and had been noted as blind the month before, but had not been diagnosed or treated by a veterinarian.

w. February 24, 2014. Respondents failed to observe and to obtain adequate veterinary care for three goats with severely overgrown hooves, to the extent that each was

observed to have elongated “claws” on one or more of their hooves, which growths interfered with the animals’ ability to walk, and the animals had visible swelling and/or a discharge in the hoof area.

x. March 31, 2014. Respondents failed to observe and to obtain adequate veterinary care for a Patagonian cavy that was observed to be vocalizing, and to be thinner and to move more slowly than the other cavies, and had a pronounced spine, an abnormal, ungroomed hair coat, with patches of hair loss, and reddened, thickened skin.

y. March 31, 2014. Respondents failed to observe and to obtain adequate veterinary care for a muntjac with hair loss and darkened, thick, and crusted skin.

z. May 12, 2014. Respondents failed to obtain adequate veterinary care for a young cavy that was found dead, and respondents failed to observe a second cavy more than once since March 31, 2014.

8. On or about the following dates, respondents willfully violated the Regulations (9 C.F.R. § 2.75(b)(1)) by failing to make, keep and maintain complete and accurate records as required:

a. April 28, 2010. Respondents failed to make, keep, and maintain records of animals on hand for wildebeest, wallaby, muntjac, whitetail deer, rabbit and pigs.

b. April 28, 2010. Respondents failed to make, keep, and maintain disposition records for nilgai, llamas, goats, sheep, and elk.

c. August 16, 2010. Respondents failed to make, keep, and maintain acquisition records for two blackbuck, one eland, two yak, two Barbary sheep, and an oryx.

d. September 14, 2010. Respondents failed to make, keep, and maintain acquisition records for two addax and a cavy.

e. September 14, 2010. Respondents failed to make, keep, and maintain records of the offspring born of animals housed at respondents' facility.

f. March 22, 2011. Respondents failed to make, keep, and maintain records for cavy, dog, swine, and addax, and respondent's records did not comport to the number of animals observed at the facility.

g. October 27, 2011. Respondents failed to make, keep, and maintain acquisition records for Pere David.

h. February 24, 2014. Respondents failed to make, keep, and maintain disposition records for a zebra and baby goat that died.

9. On or about the following dates, respondent willfully violated the Regulations (9 C.F.R. § 2.131), by failing to handle animals during public exhibition with minimal risk of harm to the animals and the public and/or without any personnel in attendance:

a. April 28, 2010. Respondents exhibited wallaby, oryx and wildebeest without adequate distance and/or barriers between the animals and the public, and specifically there were no public barriers separating the enclosures housing these animals from the public.

b. March 22, 2011. Respondents exhibited Watusi cattle without an adequate barrier to separate the animals from the public.

c. March 22, 2011. Respondents exhibited oryx, Mouflon sheep, and deer without adequate barriers between the animals and the public, and specifically there was only a rope and post public barrier separating these animals from the public.

d. June 29, 2011. Respondents exhibited elk, zebras, deer and water buffalo without adequate distance and/or barriers between the animals and the public, and specifically permitted the public to feed these animals through the passenger window of a

van, and outside of the vehicle, and without any personnel in attendance.

e. March 31, 2014. Respondents exhibited nilgai, muntjac, deer, addax, and zebra without adequate barriers between the animals and the public.

10. On or about April 28, 2010, respondents willfully violated the Regulations by failing to take appropriate measures to alleviate the impact of climatic conditions on the health or well-being of a female Mouflon sheep and her newborn lambs, and specifically, respondents housed these animals in a small, two-sided enclosure with a dirt floor and no bedding, when evening temperatures were in the 30s (Fahrenheit). 9 C.F.R. § 2.131(e).

11. On or about November 16, 2009, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

a. Respondents failed to construct enclosures for rabbits that were structurally sound and able to contain the rabbits and protect them from injury, and specifically, respondents had no enclosures for rabbits, leaving them susceptible to predators and to injury. 9 C.F.R. § 3.50(a).

b. Respondents housed approximately 40 animals in an upper pasture that had loose barbed wire fencing looped between trees, which was not adequate to contain the animals, and which presented a hazard to them. 9 C.F.R. § 3.125(a).

c. Respondents housed muntjac in an enclosure that had wire fencing that was pieced together, leaving wire points protruding into the enclosure and accessible to the animals and presented a hazard to them. 9 C.F.R. § 3.125(a).

d. Respondents housed sheep in a barn that had a hanging wire cord, and a piece of wood with two long nails through it, and both the cord and the nails were accessible to the animals and presented hazards to them. 9 C.F.R. § 3.125(a).

e. Respondents housed approximately 100 animals in enclosures that failed to protect them from injury and failed to prevent the entry of predators, and specifically, respondents used 4-by-4 foot wire livestock fencing that was not affixed to the ground, and which permitted the entry of coyotes and other predators, and the predators killed the offspring of respondents' animals and injured other animals, including an aoudad that was observed to have scarring from an animal attack. 9 C.F.R. § 3.125(a).

f. Respondents stored food supplies (hay) for 100 animals outside without any protection from the weather, and an APHIS inspector observed that bales of hay stored outside in the exotic hoofstock enclosure had deteriorated. 9 C.F.R. § 3.125(c).

g. Respondents failed to remove uneaten food and food waste from the wallaby enclosure. 9 C.F.R. § 3.125(d).

h. Respondents failed to provide an adequate method to drain excess water from animal enclosures, and the enclosures for the Mouflon sheep, billy goat, and four-horned sheep offered no dry areas for these animals. 9 C.F.R. § 3.127(c).

i. Respondents failed to provide exotic hoofstock with wholesome food that was not contaminated, moldy or deteriorated. 9 C.F.R. § 3.129(a).

j. Respondents failed to keep food receptacles for exotic hoofstock clean and sanitary at all times. 9 C.F.R. § 3.129(b).

k. Two water troughs serving 100 exotic animals contained algae, mud, and leaves, and a third water trough for these animals. 9 C.F.R. § 3.130.

l. The water bucket for the billy goat had a thick coating of algae. 9 C.F.R. § 3.130.

m. Two Watusi cattle and a pig had no potable water source. 9 C.F.R. § 3.130.

12. On or about April 28, 2010, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

a. Respondents failed to ensure that enclosures for rabbits had floors that protect the rabbits' feet and legs from injury, and specifically, respondents' placed chain link fencing over the dirt floor of one of the rabbit enclosures, which fencing material had wires with sharp points that could injure the rabbits. 9 C.F.R. § 3.53(a)(4).

b. A food receptacle for rabbits had dirt and food residue adhered to the sides and bottom, and respondents placed new food on top of the dirt. 9 C.F.R. § 3.54(b).

c. There was a rusty 4-by-4 foot wire in an animal enclosure near respondents' ponds, as well as a section of tangled wire, which condition presented a hazard to the animals. 9 C.F.R. § 3.125(a).

d. An animal enclosure near the main gate had a missing vertical cross-wire, and respondents' repair measure was to tie other wires between the horizontal cross-wires, leaving sharp points protruding into the animal enclosure, which presented a hazard to them. 9 C.F.R. § 3.125(a).

e. There was a section of disconnected hot wire on the ground, which wire was accessible to animals, and animals could become entangled in the wire. 9 C.F.R. § 3.125(a).

f. There was a hanging electrical cord attached to a warming lamp bulb in the wallaby enclosure, which cord was accessible to the wallaby and presented a hazard. 9 C.F.R. § 3.125(a).

g. A section of the fence of the wildebeest and oryx enclosure was in disrepair and specifically, it was sagging and had lost structural integrity, and respondents had shored it up with tree branches and logs. 9 C.F.R. § 3.125(a).

h. A section of fence adjacent to a water trough is broken, leaving a long piece of wire projecting over the trough and accessible to animals. 9 C.F.R. § 3.125(a).

i. Respondents continued to house goats and exotic hoofstock in enclosures that failed to protect them from injury and failed to prevent the entry of predators, and specifically, respondents did not have any perimeter fence, but used 4-by-4 foot wire livestock fencing that was not affixed to the ground, and which permitted the entry of coyotes and other predators, and the predators killed animals in respondents' custody. 9 C.F.R. § 3.125(a).

j. Respondents stored food supplies (hay) for 100 animals outside without any protection from the weather, and an APHIS inspector observed that bales of hay stored outside had deteriorated. 9 C.F.R. § 3.125(c).

k. An APHIS inspector observed that food supplies (pellet feed) stored in metal barrels had been contaminated by water and there was mold growing on the pellet feed, and the pellets were dissolving. 9 C.F.R. § 3.125(c).

l. Respondents failed to remove uneaten food (pellet feed) and rancid, deteriorated food waste from an enclosure housing five animals. 9 C.F.R. § 3.125(d).

m. Respondents failed to provide adequate shelter from the elements for 104 animals, including Watusi, eland, and deer. 9 C.F.R. § 3.127(b).

n. Respondents failed to provide an adequate method to drain excess water from animal enclosures, and the enclosures for eight animals, including muntjac, black-haired sheep, fainting goats, white-tailed deer, and four-horned sheep offered scant or no dry areas for these animals. 9 C.F.R. § 3.127(c).

o. Respondents failed to provide exotic hoofstock with wholesome food that was

not contaminated, moldy or deteriorated. 9 C.F.R. § 3.129(a).

p. Respondents failed to keep food receptacles for wallaby and four-horned sheep clean and sanitary at all times, and an APHIS inspector noted old feed caked on the sides of the food receptacles, and the presence of flies over the dirty receptacles. 9 C.F.R. § 3.129(b).

q. Respondents failed to ensure that food offered to sheep, wildebeest, oryx, goats and dog was free from contamination, and respondents failed to place food in receptacles or in locations that would minimize contamination. 9 C.F.R. §§ 3.129(a), 3.129(b).

r. Respondents did not offer animals potable water, and specifically, respondents put a pond treatment solution called “Aquashade” in all animal water receptacles, notwithstanding that this substance is not suitable for human consumption and has not been approved for animal consumption, and that respondents used more than the recommended amount. 9 C.F.R. § 3.130.

s. There was a layer of algae and dirt in the wallaby’s water receptacle. 9 C.F.R. § 3.130.

13. On or about August 16, 2010, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

a. Respondents failed to provide a Savannah cat with sufficient clean litter. 9 C.F.R. § 3.6(b)(3).

b. Respondents failed to sanitize the food receptacle for a Savannah cat as required. 9 C.F.R. §§ 3.9(a), 3.11(b)(2).

c. Respondents failed to provide sufficient shelter from sunlight to a rabbit

housed outdoors. 9 C.F.R. § 3.52(a).

d. Respondents failed to ensure that the enclosure housing a rabbit had a floor that protected the rabbit's feet and legs from injury, and specifically, there was exposed chicken wire on the dirt floor of the rabbit enclosure, which material posed a hazard to the rabbit. 9 C.F.R. § 3.53(a)(4).

e. There was caked food residue on the food receptacle for a rabbit. 9 C.F.R. § 3.54(b).

f. Respondents housed a rabbit with another species of animal (cavy), and there was not a scientific reason for housing the two species together. 9 C.F.R. § 3.58(a).

g. There was a warming lamp in the wallaby enclosure that was accessible to the wallaby and presented a hazard. 9 C.F.R. § 3.125(a).

h. An enclosure housing four sheep contained a shelter with protruding nails, a protruding nail on the walking ramp to the shelter, and damaged metal sides that had exposed sharp edges that presented a hazard to the animals. 9 C.F.R. § 3.125(a).

i. The shelter in the aoudad enclosure had sharp nails protruding from the ceiling, and the aoudad enclosure did not contain the aoudad, which was able to scale the three-foot fence separating it from the Mouflon sheep enclosure, and enter the Mouflons' pen, and the aoudad could easily exit its own enclosure. 9 C.F.R. § 3.125(a).

j. Respondents' fencing around the following animal enclosures was in disrepair, 9 C.F.R. § 3.125(a), as follows:

i. Sheep. Damaged wire fencing had sharp points, and there was loose barbed wire accessible to animals.

ii. Aoudad. The damaged fence had sharp wire points.

- iii. Wallaby. There was a 6 to 8-inch hole under the fence.
- iv. Fainting goats. The fence had sharp protruding metal points and there were metal points and staples on the ground inside the enclosure.
- v. Whitetail deer and sheep. A repaired section of fence and the right rear corner fence post had sharp wires protruding into the enclosure.
- vi. Barbary sheep. There was a gap in the fence that posed a hazard to animals in the enclosure.
- vii. Eland. The wire fence had a hole and a damaged area with sharp points accessible to animals.
- viii. Drive-through park. There was damaged, loose hot wire, and loose barbed wire accessible and posing a hazard to animals.
- ix. Watusi. The fence was damaged and had lost structural integrity.
- k. Respondents stored food supplies (hay) for animals outside in an open barn with a leaky roof, and an APHIS inspector observed that the hay was wet, musty, and discolored, and that some bales were moldy. 9 C.F.R. § 3.125(c).
- l. An APHIS inspector observed that food supplies (pellet feed) stored in barrels had no lids, but had been covered with tarp, and the feed had been contaminated by water and there was mold growing on the pellet feed, and the pellets were dissolving. 9 C.F.R. § 3.125(c).
- m. Respondents failed to remove uneaten food (pellet feed) and rancid, deteriorated food waste from the cavy enclosure. 9 C.F.R. § 3.125(d).
- n. Respondents failed to provide adequate shelter from the elements for 103 animals, including Watusi, eland, and deer. 9 C.F.R. § 3.127(b).

o. Respondents failed to provide an adequate method to drain excess water from the fainting goat enclosures, which offered no dry area of shelter for these animals. 9 C.F.R. § 3.127(c).

p. Respondents failed to provide a cavy with wholesome food that was not contaminated, moldy or deteriorated. 9 C.F.R. § 3.129(a).

q. Respondents failed to keep the food receptacle for a cavy clean and sanitary at all times, and an APHIS inspector noted feces and old feed caked on the sides of the food receptacle. 9 C.F.R. § 3.129(b).

r. The water troughs for 130 animals were insufficiently filled and/or were too tall to permit access to water by all of the animals. 9 C.F.R. § 3.130.

14. On or about September 14, 2010, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

a. Respondents failed to clean and sanitize the food receptacle for a Savannah cat as required. 9 C.F.R. § 3.11(b)(2).

b. The fence of an enclosure housing two dogs was damaged, had loose wires, and had lost its structural integrity. 9 C.F.R. § 3.1(a).

c. There was a warming lamp bulb socket in the wallaby enclosure that was accessible to the wallaby and presented a hazard. 9 C.F.R. § 3.125(a).

d. The fence of the four-horned sheep (former aoudad) enclosure was damaged with sharp points protruding, and the gate of this enclosure did not secure completely. 9 C.F.R. § 3.125(a).

e. Respondents failed to ensure that the enclosure housing two cavy had a floor that protected the animals' feet and legs from injury, and specifically, there was exposed

chicken wire on the dirt floor of the enclosure, which material posed a hazard to the cavies.

9 C.F.R. § 3.125(a).

f. An enclosure housing three Barbary sheep contained a shelter that had an unstable footing of wooden blocks. 9 C.F.R. § 3.125(a).

g. There was a hole at the bottom of the fence around the addax enclosure. 9 C.F.R. § 3.125(a).

h. Respondents' animal enclosures were in disrepair, 9 C.F.R. § 3.125(a), as follows:

i. Fainting goats and muntjac. The cattle panel fence had unsecured sharp edges that could injure the animals.

ii. Watusi. The fence was damaged, had a large gap, and had lost structural integrity.

iii. Goats. The fence was damaged, had loose wires, and had lost structural integrity.

i. Respondents stored food supplies (hay) for animals outside and on the ground in an open barn. 9 C.F.R. § 3.125(c).

j. An APHIS inspector observed that food supplies (pellet feed) stored in barrels had no lids, but had been covered with tarp, and the feed had been contaminated by water and there was mold growing on the pellet feed, and the pellets were dissolving. 9 C.F.R. § 3.125(c).

k. Respondents failed to provide adequate shelter from sunlight for two addax. 9 C.F.R. § 3.127(a).

l. Respondents failed to provide adequate shelter from the elements for

approximately 130 animals, including Watusi, eland, deer, oryx, wildebeest and Mouflon sheep. 9 C.F.R. § 3.127(b).

m. Respondents failed to provide an adequate method to drain excess water from the fainting goat enclosures, which offered no dry area of shelter for these animals. 9 C.F.R. § 3.127(c).

n. There were broken shards of glass on the ground, an accumulation of wood debris, rolls of fencing material, and machinery with sharp implements in various areas of the facility, all of which were accessible to animals. 9 C.F.R. § 3.131(c).

15. On or about March 22, 2011, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

a. Respondents failed to ensure that the enclosure housing two cavies had a floor that protected the animals' feet and legs from injury, and specifically, there was exposed chicken wire on the dirt floor of the enclosure, which material posed a hazard to the cavies. 9 C.F.R. § 3.125(a).

b. There was a hole at the bottom of the fence around the addax enclosure. 9 C.F.R. § 3.125(a).

c. An APHIS inspector observed that food supplies (pellet feed) were stored in barrels without any lids, exposing the feed to contamination. 9 C.F.R. § 3.125(c).

d. Respondents failed to provide an adequate method to drain excess water from the sheep and goat enclosures. 9 C.F.R. § 3.127(c).

16. On or about June 29, 2011, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

a. Respondents failed to provide an adequate method to drain excess water from

the enclosures for dogs. 9 C.F.R. § 3.1(f).

b. The fence of an enclosure housing a dog was damaged and had sharp, pointed wires protruding into the enclosure. 9 C.F.R. § 3.1(a).

c. Respondents housed an ailing Great Pyrenees dog in an outdoor enclosure, and such housing had not been approved by respondents' attending veterinarian. 9 C.F.R. § 3.4(a)(1)(iii).

d. The fence between the fainting goat and four-horned sheep enclosures was loose and had a six-inch gap. 9 C.F.R. § 3.125(a).

e. There was a broken post between two deer enclosures, and the fence was leaning into one of the enclosures. 9 C.F.R. § 3.125(a).

f. The fence of an enclosure housing three goats was damaged and had sharp, pointed wires protruding into the enclosure. 9 C.F.R. § 3.125(a).

g. Respondents failed to provide an adequate method to drain excess water from the enclosures for Mouflon sheep, goats, and deer. 9 C.F.R. § 3.127(c).

h. Respondents failed to provide sufficient potable water for animals, and the water troughs were insufficiently filled and/or had debris and algae in them. 9 C.F.R. § 3.130.

17. On or about October 27, 2011, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

a. Respondents housed three blackbuck in enclosures that did not protect them from injury, and specifically, a female blackbuck and her infant died on September 10, 2011, and a male blackbuck died on September 11, 2011, following attacks on these animals by predators. 9 C.F.R. § 3.125(a).

b. Respondents housed Sika deer and elk in enclosures that did not contain them, and specifically, on June 28, 2011, six elk and two Sika deer were able to exit respondents' premises by way of an unrepaired fence, and the two Sika deer have remained missing. 9 C.F.R. § 3.125(a).

c. Respondents stored food supplies (hay) for animals outside and on the ground in an open barn. 9 C.F.R. § 3.125(c).

18. On or about May 20, 2013, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

a. Respondents failed to remove waste from the Savannah cat enclosure daily. 9 C.F.R. § 3.11(a).

b. Respondents failed to keep the Savannah cat enclosure clean and free of accumulations of weeds. 9 C.F.R. § 3.11(c).

c. There were loose boards on the back of the wallaby shelter. 9 C.F.R. § 3.125(a).

d. The shelter for Mouflon sheep was in disrepair. 9 C.F.R. § 3.125(a).

e. The wire fence around the nilgai enclosure was in disrepair, and had lost structural strength, to the extent that the nilgai could place its head through the fence's openings, and a board from the back fence was detached and on the ground inside the enclosure, with nails protruding upward. 9 C.F.R. § 3.125(a).

f. The ramp into the goat enclosure was loose, exposing protruding nails. 9 C.F.R. § 3.125(a).

19. On or about July 24, 2013, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, by failing to provide an adequate method

to drain excess water from the enclosures for Jacob's sheep and nilgai. 9 C.F.R. § 3.127(c).

20. On or about January 22, 2014, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

a. Respondents housed Savannah cats in enclosures without adequate shelter, and specifically, neither of the two shelters had an adequate wind and rain break. 9 C.F.R. § 3.4(b)(3).

b. Respondents housed lemurs in enclosures without adequate shelter from the elements. 9 C.F.R. § 3.78(b).

c. Respondents housed lemurs in enclosures that were not maintained in a manner that protects them from injury, and there were active electrical cords within reach of the lemurs. 9 C.F.R. § 3.80(a)(2)(ii).

d. Respondents housed deer in enclosures that did not contain them or protect them from injury, and specifically, APHIS inspectors viewed deer jumping over fences in the facility. 9 C.F.R. § 3.125(a).

e. The fence material at respondents' facility was in disrepair and had lost its structural integrity at multiple locations, at one location a bale of hay was placed next to a fence, permitting animals to exit the enclosure by stepping on the hay bale. 9 C.F.R. § 3.125(a).

f. Respondents housed nilgai in enclosures that were not maintained in a manner that protects them from injury, and there were active electrical cords within reach of the nilgai. 9 C.F.R. § 3.125(a).

g. Respondents failed to provide adequate shelter from the elements for approximately 100 animals housed in one section of the facility. 9 C.F.R. § 3.127(b).

h. Respondents failed to provide adequate shelter from the elements for two nilgai. 9 C.F.R. § 3.127(b).

i. Respondents failed to provide sufficient potable water for animals, and the water troughs were insufficiently filled. 9 C.F.R. § 3.130.

j. Respondents failed to employ a sufficient number of adequately-trained employees, and specifically, respondents' staff were not able to discern injured animals during daily rounds, to maintain acceptable husbandry standards, or to make regular repairs. 9 C.F.R. § 3.132.

21. On or about February 24, 2014, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

a. Respondents failed to clean and sanitize the food receptacles for Savannah cats as required. 9 C.F.R. §§ 3.9(a), 3.11(b)(2).

b. Respondents housed lemurs in enclosures without adequate lighting that would permit inspection of the facility. 9 C.F.R. § 3.77(c).

c. There was a large hole in the fence of the enclosure housing Mouflon sheep, which hole would permit the entrance of predators and the escape of young animals housed in the enclosure. 9 C.F.R. § 3.125(a).

d. Respondents housed animals in an enclosure in the drive-through area of the facility with fencing that was in disrepair, with weak fence posts, and had lost its structural integrity. 9 C.F.R. § 3.125(a).

e. Respondents housed fainting goats in an enclosure made of cattle panel fencing which permitted the animals to place their heads and necks through the openings. 9 C.F.R. § 3.125(a).

f. Respondents stored food supplies (hay) for animals outside on the ground.
9 C.F.R. § 3.125(c).

g. Respondents failed to provide an adequate method to drain excess water from the nilgai enclosure. 9 C.F.R. § 3.127(c).

h. Respondents failed to employ a sufficient number of adequately-trained employees, and specifically, respondents' personnel were not able to discern injured animals during daily rounds, to maintain acceptable husbandry standards, or to make regular repairs.
9 C.F.R. § 3.132.

22. On March 31, 2014, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

a. Respondents housed Mouflon sheep and alpaca in an enclosure that had fence material on the ground and accessible to the animals. 9 C.F.R. § 3.125(a).

b. Respondents housed addax in an enclosure with a fence that was in disrepair and had lost its structural integrity. 9 C.F.R. § 3.125(a).

c. Respondents housed animals in an enclosure in the drive-through area of the facility with fencing that was in disrepair, had loose barbed wire, and had lost its structural integrity. 9 C.F.R. § 3.125(a).

d. Respondents housed fainting goats in an enclosure made of welded wire metal fencing with different openings, which permitted the animals to place their heads and necks through the openings. 9 C.F.R. § 3.125(a).

e. Respondents failed to remove excreta from the enclosure housing muntjac, as required. 9 C.F.R. § 3.131(a).

23. On May 12, 2014, respondents willfully violated the Regulations, 9 C.F.R. §

2.100(a), by failing to meet the minimum Standards, as follows:

- a. Respondents failed to clean and sanitize enclosures for Savannah cats as required. 9 C.F.R. § 3.1(c)(3).
- b. Respondents failed to remove excreta and food waste from enclosures for Savannah cats as required. 9 C.F.R. § 3.11(a).
- c. Respondents housed lemurs in enclosures without adequate lighting that would permit inspection of the facility. 9 C.F.R. § 3.77(c).
- d. Respondents housed lemurs in enclosures that were not maintained in a manner that protects them from injury, and there was an active electrical cord within reach of the lemurs. 9 C.F.R. § 3.80(a)(2)(ii).
- e. Respondents' cavy enclosure had gaps large enough to allow unwanted animals to enter the enclosure. 9 C.F.R. § 3.125(a).
- f. Respondents housed addax in an enclosure that was in disrepair, with sharp, loose wires protruding into the enclosure and fencing that had a loose, cracked wooden board. 9 C.F.R. § 3.125(a).
- g. Respondents failed to provide adequate shelter from the elements for fallow deer and muntjac. 9 C.F.R. § 3.127(b).
- h. Respondents failed to provide potable water for cavies, and the single water receptacle for the cavies contained greenish-brown water in which several species of insects had hatched and were swimming. 9 C.F.R. § 3.130.
- i. Respondents failed to provide sufficient potable water for Mouflon sheep and to keep their water receptacle clean, and specifically, there was no water in the receptacle and there were feathers, hay, dirt and algae in the bottom. 9 C.F.R. § 3.130.

j. A black water receptacle in the drive through park was broken, leaving a sharp edge. 9 C.F.R. § 3.130.

k. Respondents failed to establish and maintain an effective program of pest control, and specifically, deer and elk were attacked by biting black flies. 9 C.F.R. § 3.131(d).

l. Respondents failed to employ a sufficient number of adequately-trained employees, and specifically, respondents' personnel were not able to discern injured animals during daily rounds, to maintain acceptable husbandry standards, or to make regular repairs. 9 C.F.R. § 3.132.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact willfully violated the Act and the regulations issued under the Act, this complaint shall be served upon the respondents. The respondents shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 *et seq.*). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

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APHIS requests that unless the respondents fail to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act, and that such order or orders be issued as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.
this 4th day of Sept. 2014



Administrator
Animal and Plant Health Inspection Service

COLLEEN A. CARROLL
Attorney for Complainant
Office of the General Counsel
United States Department of Agriculture
1400 Independence Avenue, S.W.
Room 2343 South Building
Washington, D.C. 20250-1400
Telephone (202) 720-6430; 202-690-4299 (Fax)
e-mail: colleen.carroll@ogc.usda.gov